

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MICHAEL McCOY

PLAINTIFF

V.

CIVIL ACTION NO. 1:06cv4-LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

ORDER

Defendant, by and through counsel, filed in this Court an [59] Offer of Judgment. The text of the offer says that it is filed “pursuant to Rule 68 of the Federal Rules of Civil Procedure.” However, Fed. R. Civ. P. 68 makes it clear that the offer is filed only if accepted. Unfortunately, this is not the first time that the law firm representing Defendant has erroneously filed an unaccepted offer of judgment (*see Broussard v. State Farm*, Civil Action No. 1:06cv6; and *Tejedor v. State Farm*, Civil Action No. 1:05cv 679), and both times the Clerk’s office advised defense counsel’s office that an offer of judgment without an acceptance should not be filed.

Accordingly, **IT IS ORDERED:**

Defendant’s [59] Offer of Judgment is hereby **STRICKEN** from the record, and the Clerk’s office is hereby authorized to remove said document from the docket.

In the event the law firm representing the Defendant files in any cause of action pending in this Court another Offer of Judgment contrary to the provisions of Fed. R. Civ. P. 68, sanctions shall be imposed on the offending counsel.

SO ORDERED this the 10th day of May, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE